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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventeenth session

SUMMARY RECORD OF THE 441st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 14 January 1998, at 3 p.m.

Chairperson: Miss MASON

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Initial report of the Federated States of Micronesia

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Federated States of Micronesia (continued)
[(CRC/C/28/Add.5; HRI/CORE/1/Add.72; CRC/C/Q/MIC/1) (List of issues to be taken up in connection with the consideration of the initial report of the Federated States of Micronesia); written replies by the Government of the Federated States of Micronesia to the questions raised in the List of issues (document without a symbol distributed during the meeting, in English only)]

1. At the invitation of the Chairperson, Ms. Eejima (Federated States of Micronesia) resumed her place at the Committee table.

2. Ms. EEJIMA (Federated States of Micronesia), replying to the questions raised at the previous meeting, said it was not the Ministry of Finance that decided on the appropriation of public funds: budgetary policy was first discussed by Congress and the President then approved or vetoed that body's proposals.

3. With regard to contraception, she said that condoms were sold freely but pursuant to the guidelines governing United States federal funding for contraception, the minimum age for access to other kinds of contraceptives was 18 years.

4. There was free migration between the United States and the Federated States of Micronesia under the Compact of Free Association which linked the two countries until 2001. Although the Government was prepared for possible termination of United States financial assistance in the areas of health and education, it hoped that the current negotiations would lead to a decision to maintain that aid. The privatization measures had basically affected postal services and electricity and water supply utilities. There was as yet no minimum legal age for access to employment, but the Government planned to legislate in that area.

5. With regard to the juvenile justice system, she said that, to her knowledge, no juvenile had been incarcerated or confined as a result of a criminal conviction during the past 10 years. There were no separate juvenile courts in the Federated States of Micronesia: it was for national court judges to exercise flexibility in cases involving juveniles under the age of 16 years. In that context, she took note of the Committee's suggestion that the same flexibility should be exercised for offenders up to the age of 18 years. The Federated States of Micronesia did not contemplate legislation requiring a minor to obtain court authorization in order to marry before having attained the marriageable age. Moreover, there was no legal minimum age requirement for consultation of a doctor. Citizens of the Federated States of Micronesia could enlist in the United States armed forces only from the age of 18 years; there were to date no statistics concerning the number of Micronesian girls enrolled in the United States armed forces.

6. The CHAIRPERSON invited members of the Committee who so wished to put additional questions to Ms. Eejima on issues that were still pending.

7. Mr. FULCI noted that the report made no mention of intercountry adoption and regretted in that connection that the Federated States of Micronesia was not a party to the 1993 Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. He requested additional information on national adoption and the position of the Federated States of Micronesia on intercountry adoption.

8. According to the report, suicide among the inhabitants of the Federated States of Micronesia, including among children, adolescents and young adults, had attained alarming proportions. During the period from 1985 to 1995, the total number of suicides among persons under the age of 21 years was 133. He welcomed the efforts of the authorities to combat the phenomenon, for example by setting up counselling groups in schools, launching parent training programmes on drug and alcohol consumption and instituting telephone help lines, but wondered what results those measures had yielded.

9. Mrs. KARP, referring to the existence of a system of lower and higher castes in the Federated States of Micronesia, asked what impact that tradition had on children in their everyday life, especially in schools and in the health services. With regard to the appropriation of budgetary resources, she considered that the Ministry of Finance could institute a budget line for children; that would be consistent with article 4 of the Convention.

10. In view of the difference between the age of sexual consent and the minimum age of access to contraceptives, she would like further information on the place of sex education in schools. With regard to the juvenile justice system, she welcomed the plan to raise the age at which a person could be sentenced to a term of imprisonment and the fact that there were no recorded cases of imprisonment of children under the age of 16 years. However, she considered that the Micronesian Government should raise the age of criminal responsibility, which was currently 10 years, and that judges should not have discretionary power to determine whether young offenders were physically and mentally mature enough to warrant the institution of criminal proceedings against them.

11. With regard to adoption, she noted that there was no formal machinery in the Federated States of Micronesia for safeguarding the interests of adopted children. What was the situation with respect to children who were subjected to ill-treatment or even sexual abuse? Were there plans to introduce a procedure for ensuring that adoption was duly authorized? She was concerned by the fact that the written replies mentioned that persons looking after child victims of abuse and negligence were employed full-time elsewhere and that there were not enough of them to meet the demand. Furthermore, she considered that legislation was needed to end the ill-treatment of children in the name of tradition and that traditional practices that were detrimental to children should not be a taboo subject.

12. Mrs. PALME expressed concern that, while banned in schools, corporal punishment was not banned in other establishments or in the family. The Government of the Federated States of Micronesia should make every effort to rectify the situation.

13. For Mrs. OUEDRAOGO, paragraph 67 of the initial report meant that a court could approve an adoption decision only if the child itself consented. She asked whether that rule also applied to customary adoption and what happened when a child adopted in accordance with custom was not happy in its new family. She also wondered whether the practice of customary adoption was compatible with the Convention and whether it was not one of the causes of abandonment and ill-treatment of children. According to paragraph 69 of the initial report, the children of government employees benefited from a system of health insurance: what was the situation of children whose parents were not government employees?

14. Mrs. SARDENBERG remarked that even if the Bill of Rights stated that no law could be enacted which discriminated against any person on account of sex (paragraph 57 of the report), the child's traditional place was apparently still based on sex since paragraph 3 of the report said that "girls' responsibilities within the family unit primarily revolve around taking care of younger children, cleaning the house and clothes, cooking and making handicrafts" and "boys are generally involved in food gathering and production ... and construction". Furthermore, the country's economic development seemed to go hand-in-hand with increases in sex-related inequalities and discrimination, which could often lead to violence within the family. Accordingly, she hoped Ms. Eejima would indicate what measures had been taken to deal with those problems and guarantee children's exercise of their right to participate in social life. It would also be helpful if she could give the school attendance figures for girls.

15. Mrs. KARP asked whether the law fully guaranteed children the right freely to express their opinion on matters of relevance to them, especially in judicial or administrative proceedings, and whether members of professions dealing with children were properly trained to take children's opinions into account and to help them exercise their rights and develop their faculties. She urged the Government to encourage the formation of discussion groups in which children could exchange their views regarding, for example, ways of preventing suicide and of exercising their rights.

16. Ms. EEJIMA (Federated States of Micronesia) said that in cases of customary adoption the child was entrusted to the care of members of the extended family and maintained contact with its natural mother and its own family. The child therefore knew its roots and kept its cultural and family identity, and its best interests were thereby protected.

17. The Federated States of Micronesia had no plans to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Cases of adoption abroad were very rare, as courts had to give preference to Micronesian families. Adoption abroad became definitive only after a probationary period during which a guardian appointed by the court was responsible for seeing that the child's best interests were respected. Regarding non-customary adoption, no child could be adopted unless the court was convinced after hearing him or her that the adoption would serve the child's best interests. By law, no child over the age of 12 could be adopted without its consent.

18. She acknowledged that the tragic problem of the increase in the number of suicides among adolescents and young adults was probably related to the weakening of the extended family and to economic development, and that the Government should take radical measures to remedy the situation.

19. The legal age for criminal responsibility was 18. Children between the ages of 10 and 14 were rebuttably presumed incapable of committing crimes, while children under the age of 10 were conclusively presumed to be incapable of doing so. Children between the ages of 16 and 18 could be prosecuted if, in a court's opinion, they were physically and intellectually mature enough.

20. Her delegation would prefer to provide written responses later to the questions on the extremely complex caste system and on sexual education in schools. That said, it should not be forgotten that, under the Constitution, the equal protection of the law could neither be refused nor limited on grounds of social status and that there was no discrimination based on caste with respect to access to public health or education.

21. Mrs. KARP remarked that, if she had understood the Micronesian delegation correctly, the age of criminal responsibility was not in practice 18, but 10.

22. Mrs. EEJIMA (Federated States of Micronesia) said that, to her knowledge, no criminal conviction had yet been handed down against any child aged less than 16.

23. Mrs. KARP said that in that case it should be possible to raise the age of criminal responsibility to 16, which would be more in keeping with the spirit of the Convention.

24. Mrs. EEJIMA (Federated States of Micronesia) said that if, in Micronesia, hardly any young people came before the courts, it was on the one hand because the offences they committed were generally minor and on the other because the juvenile justice system and the police encouraged parents to exhaust their means of intervention and supervision before resorting to judicial proceedings. Most of the time, the families concerned resolved the matter amongst themselves without recourse to the courts.

25. Her Government would respond later in writing to the question whether there was a link between child abuse and adoption. The fact that no case of child abuse had ever been brought before the courts did not mean that child abuse did not exist. No tradition or custom could justify sexual violence against children.

26. Regarding health, there was a social insurance system and free medical care was given to all who needed it, either through consultations or through hospitalization. With respect to discrimination against women, the absence of statistics made it difficult to respond objectively and precisely concerning the relative levels of women's and men's wages, the percentage of women in high-level jobs or the female school dropout rate, etc. It was also hard to respond on the way children's opinions were taken into account. Concerning children's place in society, there were numerous opportunities for children to express themselves. The authorities, recognizing the positive role that sport

could play in the case of young people, had made the promotion of sport one of their priorities. Many young people were also active in scouting, traditional dance clubs or church-organized clubs.

27. Mrs. PALME stressed the importance of aid from UNICEF, which was particularly valuable in periods of economic difficulty and restructuring. Perhaps UNICEF could increase its involvement. She welcomed the fact that a bill to define and penalize sexual violence was under preparation. That was consistent with the demands of the Stockholm Congress, and the Committee could only support the initiatives and hope the legislative process would soon be complete.

28. The CHAIRPERSON requested clarification concerning the concepts of citizenship, nationality and national origin. While she understood that questions of domestic violence were generally resolved within the community, such violence was on the increase. Did the Micronesian authorities intend to study its scope and its effect on children? Were they considering providing special training for social workers and police so that they could deal adequately with problems of domestic violence?

29. Mrs. MOKHUANE remarked that, in the absence of legislation concerning domestic violence, the police could not intervene and the women and children affected by the phenomenon would continue to suffer. Concerning the health problems in Micronesia, she was afraid that the economic adjustment and the cutbacks in the number of public service posts would have serious repercussions for, for example, efforts to control alcoholism or drug addiction. How did the authorities hope to handle the health and social problems with greatly reduced human and financial resources? The social welfare situation seemed to require the training and involvement of more professionals (psychologists, sociologists, etc.). As the Government had sent only one person to address the Committee and there were many areas in which the principles of the Convention were not fully implemented, she wondered whether the Micronesian authorities really had the political will to apply the Convention.

30. Mrs. KARP requested more details concerning the way in which the child's opinion was taken into account within the family and concerning corporal punishment. She would also like to know whether parents could arrange a marriage without their children's consent. Regarding suicide, a number of studies had shown that there was a link between sexual abuse and suicide and that most youth suicides were boys. She would like to know whether there had been any inquiry in Micronesia into sexual abuse of boys and ways of protecting them against it. She also wondered what assurances there were that school-age girls who became pregnant could continue their studies. Were there information and prevention campaigns concerning teenage pregnancy? According to paragraph 346 of the report, the kidnapping of a child under the age of 14 without its parents' consent was a crime. What rule applied in the case of children aged over 14? As a general principle, it was important, even if problems naturally resolved themselves within the society, to legislate to prohibit officially the acts and practices proscribed by the Convention, for laws had a force and an impact on public opinion that mere information campaigns could not.

31. Mrs. EEJIMA (Federated States of Micronesia) said that her Government would certainly welcome closer cooperation with UNICEF. Every effort would be made to ensure that the bill on sexual abuse and the sexual exploitation of children became law. On the question of citizenship, she referred the members of the Committee to the relevant legal provisions, which were contained in the annex to the report. She knew that various measures had been considered or taken against domestic violence, but could not give any precise information on that topic. However, studies had been made and the possibility of training police officers and social workers to deal better with the problems that arose in that area had been considered. On the question whether, in the light of the decline in foreign assistance for health programmes and the state of the economy, the Government was meeting its social welfare and health obligations, she referred the Committee to the written responses to item 37 of the List of issues; they showed what the health priorities were. The President's National Advisory Council on Children was very active and had mobilized all the concerned parties with a view to the implementation of the rights set forth in the Convention. In view of the financial constraints, the civil service had been restructured and the work focused on essentials. Whatever a member of the Committee might have said, the Government of the Federated States of Micronesia did have the political will to apply the Convention: the participation in the Committee's work of a member of the Government and the fact that Micronesia had been the first Pacific State to submit a report were proof of that. The activities of the President's National Advisory Council on Children were further proof.

32. She had nothing particular to say concerning customary marriages, which took place as normal. No studies existed of the link between sexual abuse and youth suicide. Nor was there any national policy on the question of teenage pregnancy; the problem was studied in the context of sex education and of consultations in health centres. As Micronesia was very small, any case of child kidnapping would immediately become public knowledge. There were no instances of the sale of children either. More detailed responses on several of the points she had mentioned would be given later in writing.

33. Mrs. KARP, referring to the need for Micronesia to draw up statistics on the basis of indicators for health, education and, more generally, the rights of the child, asked whether the Government had considered seeking United Nations technical assistance for the purpose.

34. Mrs. SARDENBERG said that an absence of statistics was often invoked as justification for the absence of effective action in difficult areas. She reiterated her questions concerning children's participation in the implementation of the principles of the Convention and private-sector involvement in that sphere. The authorities might, for example, approach businesses with a view to having the Convention translated into the country's main languages.

35. Mrs. EEJIMA (Federated States of Micronesia) said she could not tell the Committee whether consideration had been given to seeking technical assistance. However, in a recently-signed memorandum of understanding, directors of health services throughout the country had undertaken to collect and compile statistics on services provided by hospitals and health centres.

36. The authorities were aware of the need to devise concrete projects for children's participation in the implementation of the Convention. On the other hand, no consideration had yet been given to involving the private sector in disseminating the principles of the Convention. As for the question of translating the Convention, the country's Constitution itself only existed in English, but she would transmit the Committee's comment to the Government.

37. Mrs. OUEDRAOGO asked whether the authorities had taken steps to protect children against the possible harmful effects of the showing of violent or pornographic films. She also asked what measures were planned to maintain or improve the quality of education in schools despite the economic difficulties, and whether, as part of the reform process, the teaching of human rights would be included in curricula.

38. Mrs. EEJIMA (Federated States of Micronesia) said that nothing had been done to protect children against certain films or video cassettes; parents did not always agree what films should be banned. Sexually explicit scenes might be considered acceptable by some people and unacceptable by others, and it was difficult for any authority to lay down rules on the matter.

39. She undertook to provide the Committee at a later date with the general policy statement on education. Schools provided civics classes in which children were informed about their civil and constitutional rights.

The meeting was suspended at 5.35 p.m. and resumed at 5.40 p.m.

40. Mr. KOLOSOV paid tribute to the frankness with which the authors of the report had described the situation in the country. He hoped that, in submitting their next periodic report, the authorities of Micronesia would be able to show that progress had been made concerning the problems that had been mentioned.

41. Mr. FULCI endorsed Mr. Kolosov's remarks and reaffirmed the importance that the Committee attached to the establishment of effective and permanent machinery for collecting statistics on children.

42. Mrs. PALME thanked Mrs. Eejima for having given the Committee a detailed report and answers. She emphasized the need for the Government to intensify its cooperation with international organizations such as UNICEF and reiterated her concern at the apparent discrimination against certain categories of children.

43. Mrs. KARP said that the Committee's recommendations should be materialized in an effective programme of action and that the Government should, pursuant to article 4 of the Convention, release the funds needed to implement the instrument.

44. Mrs. OUEDRAOGO stressed the need for a change in the attitude of traditional chiefs and of society as a whole to the rights of the child as set forth in the Convention.

45. Mrs. SARDENBERG expressed disappointment at how little the Government had done to implement the Convention and pointed out that a shortage of resources could always be offset by the adoption of innovative measures within the framework of intensified international cooperation.

46. Mrs. MOKHUANE thanked Mrs. Eejima for her frank responses to the members of the Committee. Expressing regret that certain provisions of the Convention were not reflected in domestic law, she stressed the need for harmonization in that respect. In the sphere of mental health, appropriate structures must be established and training must be provided for staff working with children. The Government should also expand the recreational and cultural activities available for children.

47. Mrs. EEJIMA (Federated States of Micronesia) expressed her Government's gratitude for the Committee's understanding of the situation and willingness to engage in open and sincere dialogue. She reaffirmed her country's determination to apply the principles of the Convention.

48. The CHAIRPERSON said that the Committee looked forward to receiving the additional information promised by Mrs. Eejima and was grateful to her for her cooperation.

The meeting rose at 6.05 p.m.